

**IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION**

MARK HAMMERVOLD

Plaintiff

V.

**DIAMONDS DIRECT USA OF
DALLAS, LLC; DAVID BLANK;
DIAMOND CONSORTIUM, INC.
d/b/a THE DIAMOND DOCTOR; and
JEWELERS MUTUAL INSURANCE
COMPANY**

[illegible]

No. 4:20-CV-00165-ALM

PLAINTIFF'S UNOPPOSED MOTION TO APPEAR REMOTELY
FOR CASE MANAGEMENT CONFERENCE

Pursuant to General Order 20-03, the Plaintiff, Mark Hammervold, respectfully requests permission from the Court to appear telephonically, or through other remote means preferred by the Court, for the June 26, 2020 Rule 16 management conference.

This Court has set the Rule 16 management conference for 11:00 am on June 26, 2020 and has ordered that lead counsel and all unrepresented parties “shall be present.”

The Eastern District’s latest general order on court operations during the COVID-19 pandemic (General Order 20-30) permits individual judges to hold bench trials, in-person hearings, scheduling conferences, and other court proceedings as they deem appropriate, but also provides that “Counsel may seek relief from those matters by appropriate motions.” The order also indicates that the “use of telephonic or video proceedings are welcomed where such are deemed appropriate by the presiding judge.”

Plaintiff resides in Elmhurst, Illinois (a suburb of Chicago). Plaintiff is subject to an Illinois shelter-in-place order, and Plaintiff has also been taking every possible precaution to limit his potential exposure to the coronavirus because his wife is in a high-risk category (she is pregnant).

At present, Texas law will not permit Plaintiff to attend the June 26, 2020 Rule 16 management conference in person. Governor Abbott's Executive Order (GA-20)¹ mandates a 14-day self-quarantine for air travelers entering Texas from the City of Chicago, Illinois.² While it is possible that Illinois' situation will improve, such that this restriction will be lifted by June, Governor Pritzker (IL) stated on Monday that he does not expect Illinois' peak to come until mid-June.³

Regardless of whether Illinois or Texas law changes between now and June to permit Plaintiff to lawfully travel from Illinois to Texas to attend the Rule 16 management conference in person, Plaintiff respectfully submits that traveling during this time presents an unnecessary risk of contracting the coronavirus.

The Parties have scheduled a call for the Rule 26(f) conference, and it is expected that the Parties will be able to work together collegially and reach agreements on many case management issues in advance of the Rule 16 conference.

Prior to filing this Motion, the Plaintiff conferred with the Defendants, and none of the Defendants oppose this request.

If given permission to participate remotely, the Plaintiff will participate by telephone, videoconference, or whatever other remote means are preferred by the Court.

¹ <https://www.dps.texas.gov/COVIDtravel/>

² Illinois now has the third most cases in the country after New York and New Jersey.

³ <https://www.washingtonexaminer.com/politics/pritzker-says-expected-peak-in-covid-19-cases-pushed-to-mid-june>

RESPECTFULLY SUBMITTED,

s/Mark Hammervold⁴

Mark Hammervold, IL #6320744

155 S. Lawndale Ave.

Elmhurst, IL 60126

(T) 405.509.0372

(F) 615.928.2264

mark@hammervoldlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 12, 2020, a true and correct copy of the foregoing filing was served upon all counsel of record via the Court's ECF system.

/s/ Mark Hammervold

⁴ Mark Hammervold is admitted to practice in this district, but is representing himself *pro se* in this case.